

REMARKS

Telephonic Interviews

Applicants thank the Examiner for the very helpful telephonic interview of March 21, 2007 (and follow-up message of May 03, 2007); in which (in the 21 March interview), in brief summary, the outstanding rejections were discussed, and proposed amendment to the claims were discussed; and Applicants have endeavored to incorporate the comments and suggestions from that interview into the instant amendment to the claims.

If after reviewing the instant (second) after final response and amendment the Examiner believes a telephonic interview would expedite prosecution of this application; Applicants invite the Examiner to call Applicants' representative as noted below.

Status of the Claims

Pending claims

As noted in the Advisory Action of March 13, 2007 (see the second full paragraph, page 2), Applicants' request for reconsideration (which included a claim amendment) in their first after final response of February 21, 2007, was ENTERED. Accordingly, the instant amendment is based on the entered claims as submitted by Applicants February 21, 2007.

Claims 1, 2, 6, 12, 16, 29, 47 to 62, 68 to 75, 87, 88, 95 to 107, 111 to 115, 117 to 122 and 130 to 152, are pending; claims 49 to 62, 68 to 73, 95 to 100, 107, 111 to 115, 117 to 122, and 133 to 152, are withdrawn; thus, claims 1, 2, 6, 12, 16, 29, 47, 48, 74, 75, 87, 88, 101 to 106 and 130 to 152 are pending and under consideration.

Allowed claims

Applicants thank the Examiner for finding that claims 1, 6, 12, 16, 29, 47 and 48 are allowable, and that in view of the allowable product of claim 1, claims 68 to 70 are ready for rejoining (claims 49 to 62 and 130 qualify for rejoining, but require amendment for reasons discussed on page 2, lines 16 to 18, of the AA).

Claim canceled in the instant amendment

In the present response, claim 73 (a withdrawn claim) is canceled, without prejudice or disclaimer. Thus, after entry of the instant amendment, claims 1, 2, 6, 12, 16, 29, 47 to 62, 68 to 72, 74, 75, 87, 88, 95 to 107, 111 to 115, 117 to 122 and 130 to 152 will be pending (no change in the claims pending and under consideration).

Support for the claim amendments

The specification (see this application's publication U.S. Pat. App. No. 20030170634) sets forth an extensive description of the invention in the new and amended claims. For example, support for claims using the amylase-encoding nucleic acids of this invention in drilling processes such as oil field drilling processes can be found, inter alia, in paragraphs [0003], [0045] and [0081] of the '634 specification. Applicants respectfully submit that no new matter is introduced by the instant amendment.

Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendment places the case in condition for allowance and places the case in better condition for appeal; the amendment does not raise any issues of new matter; and, the amended claims do not present new issues requiring further consideration or search.

Rejoining claims under *In re Ochiai*

Applicants respectfully request that after the elected product claims have been found to be allowable all withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims be rejoined. MPEP §821.04; pg 800-63 to 800-70, 8th Ed., Rev. 3, Aug. 2005; *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1995); 1184 OG 86, 3/26/96.

Applicants respectfully request that after the elected product claims have been found to be allowable, the withdrawn process (methods) claims of Groups IV, VII, VIII, IX, XI, XIII, XIV, XV, XVI, XVIII and XIX; and claims 133 to 152, added in Applicants' last response, should be rejoined.

Remaining Issues

The Office expressed concerns regarding claims 49 and 130, for reasons discussed on page 2, lines 16 to 18, of the AA.

In the telephonic interview of March 21, 2007, these outstanding issues were discussed, and to address the Office's concerns, proposed amendment to the claims were discussed; and Applicants have endeavored to incorporate those comments and suggestions from that interview into the instant amendment to the claims.

CONCLUSION

In view of the foregoing amendment and remarks, it is believed that the Examiner can properly withdraw the rejection of the pending claims, including any outstanding rejection under 35 U.S.C. §112, first paragraph. Applicants believe all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **564462006000**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

If after reviewing the instant response and amendment the Examiner believes a telephonic interview would expedite prosecution of this application; Applicants invite the Examiner to call Applicants' representative as noted below.

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Respectfully submitted,

By /Gregory P. Einhorn/
Gregory P. Einhorn
Registration No.: 38,440
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
direct dial 858 720 5133
general office 858 720 5100
fax direct 858 523 5933
fax office 858 720 5125
Email geinhorn@mofo.com